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Summary record of the 9th meeting
Held at Headquarters, New York, on Wednesday, 15 October 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

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Agenda item 146: United Nations Decade of International Law (*continued*)

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97-82096 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 146: United Nations Decade of International Law *(continued)*

(a) United Nations Decade of International Law *(continued)* (A/52/363)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law *(continued)* (A/C.6/52/L.2 and A/C.6/52/3)

(c) Draft guiding principles for international negotiations *(continued)* (A/52/141)

1. **Mr. Ramaker** (Netherlands) said that he wished to introduce, on behalf of the Russian Federation and his own delegation, draft resolution A/C.6/52/L.2 on action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law, and the programme of action (A/C.6/52/6) for the celebration of the centennial.

2. The First International Peace Conference had resulted in the well-known 1899 Hague conventions and declarations on the three Hague themes: the armament question, humanitarian law and the laws and customs of war, and the peaceful settlement of international disputes. It had been the first example of multilateral diplomacy and had greatly influenced the organization of subsequent international intergovernmental conferences. It had also been the first multilateral diplomatic effort to develop and codify certain rules of general international law. The work on codification and progressive development of international law had been resumed only under the auspices of the United Nations. Unlike preceding conferences, the Conference had not been intended to rearrange the post-war balance of power. Instead, it had institutionalized the peaceful settlement of disputes through the establishment of a Permanent Court of Arbitration and, in case of armed conflict, had imposed certain limits and duties on the parties at war, down to the level of the individual, in the first genuine attempt by the international community to "save succeeding generations from the scourge of war".

3. The programme of action for the centennial had been drawn up at a meeting which, in accordance with General Assembly resolution 51/159, paragraph 2, had been held on 22 April 1997 at the Peace Palace in The Hague by the "Friends of 1999". In the first phase of the programme of action, six highly regarded experts would draw up reports on each of the themes of the 1899 Hague Peace Conference. Those rapporteurs had already started their work. In the second phase, the reports would be discussed in conferences and seminars to be held in all the regions of the world in the relevant circles (professional, academic or diplomatic, governmental or non-governmental). Parallel to those regional discussions, which would begin in the second trimester of 1998, and in order to transmit the results from one round of discussions to another, an Internet web-site would be set up, which would also facilitate the participation of those who had not been able to take part in the discussions in person. Those real-time or on-line discussions would culminate in a third phase, in which expert meetings would be held in The Hague and St. Petersburg and would be the actual commemorative events.

4. The meetings at The Hague and St. Petersburg would be hosted by his Government and the Government of the Russian Federation, respectively, in spring and summer 1999. The meeting in The Hague would focus on the legislative and normative aspects of the discussions, whereas the St. Petersburg meeting would address implementation issues in respect of Hague themes. In that phase of the centennial events, the co-hosts and the "Friends of 1999" would highlight the achievements and lacunae of international law which had originated in the conferences at The Hague and developed over the course of the century. The results of the centennial discussions could provide guidance for the fifty-fourth session of the General Assembly at the closing of the United Nations Decade of International Law. That would be the fourth phase of the centennial agenda. Those results could also be transmitted to other relevant forums such as the twenty-seventh International Red Cross and Red Crescent Conference to be held at the end of 1999.

5. The methods chosen by the co-hosts and the "Friends of 1999" were a reflection of those mentioned in the programme for the activities for the final term of the Decade, annexed to General Assembly resolution 51/157. However, a new and even more open-ended format of international conferencing would be introduced, with multiple rapporteurs, regional discussions, participation of all levels of society and use of the Internet. In addition, the Programme of Action fully took into account the role of the General Assembly in encouraging the progressive development of international law and its codification, as laid down in Article 13 of the Charter of the United Nations, and specifically excluded any interference with ongoing efforts and negotiations in all existing international forums. The aim was to celebrate the results of the first century of multilateral diplomacy, not to repeat or interfere with them. The costs

of the centennial activities would be borne by the organizers, not by the United Nations.

6. The operative part of the draft resolution called for coordination by all national and international actors in the closing phase of the Decade, which was a crucial element in the proposed worldwide discussions. All levels of society in the Member States were invited to contribute to the discussions, attend the centennial events and participate in organizing the proposed regional discussions. With regard to international organizations, the United Nations itself was called upon to cooperate and participate in the centennial events in the context of the Decade, specifically through its main legal bodies: the International Court of Justice, the International Law Commission and the Office of Legal Affairs of the Secretariat. The members of those bodies could greatly enhance the level of centennial discussions by contributing their wisdom and experience, and the same was true of the members of the Permanent Court of Arbitration, officials of other international organizations and, of course, members of the Committee.

7. The draft resolution also stressed the importance of ensuring the participation of delegations of all countries, including the least developed countries. It should not be forgotten that one of the primary aims of the Decade was the universal promotion of and participation in multilateral diplomacy, especially in the field of the development and codification of international law. The participation of representatives of all States in the regional as well as the actual celebrations must be ensured. Member States should assist the organizers of regional conferences in that respect. It was hoped that the celebrations would not only serve to commemorate the past, but would also result in useful suggestions for achieving the goals of the Decade in the next millennium.

8. **Mr. Panevkin** (Russian Federation), referring to the activities carried out in his country to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law, said that the President of the Russian Federation, by a decree of 6 August 1997, had entrusted the preparation and organization of the St. Petersburg international conference, scheduled for the end of 1999, to the National Committee of the Russian Federation responsible for Decade activities.

9. The Government, the President's Office and the local government of St. Petersburg had been asked to cooperate with the National Committee, which in the past three years had organized various national and international Decade-related events, including a Russian-North American seminar on the role of the United Nations in the development of international maritime law, an international seminar on the application of the rules of international law in the territory of the Russian Federation (1994), various events dedicated to the 150th anniversary of the birth of the great Russian scholar and diplomat Fiodor Martens, a commemorative conference on 50 years of the United Nations and international law (1995), and a conference and workshop relating to the application of the rules of international law by Russian courts and security forces (1996). In September 1997, with the assistance of the National Committee, an International Law Association meeting had been organized in the Russian Federation for the first time and had been attended by more than 400 researchers, diplomats and working lawyers from individual States. The publication of the key statements and of a summary of the proceedings was planned. Currently, the National Committee was preparing a conference on international maritime law, which would be held at the end of June 1998.

10. The adoption of the draft resolution would boost the efforts of the international community to strengthen international peace and security, ensure respect for international law and promote its acceptance, dissemination and study.

11. **Mr. Ngo Quang Xuan** (Viet Nam), speaking on behalf of the Association of South-East Asian Nations (ASEAN), said that ASEAN supported and respected the generally accepted principles of international law and had always contributed to efforts for the promotion and observance of international law. In that regard, it concurred fully with the Secretary-General about the need to consider the treaties which had not yet received the requisite number of ratifications for their entry into force. The universality and binding force of international law would be further enhanced if more States were to uphold the provisions of those treaties. ASEAN considered that disputes should be settled amicably through cooperation and dialogue. That principle was enshrined in the ASEAN Treaty of Amity and Cooperation, 1976. Furthermore, ASEAN had established a regional forum to promote negotiation and cooperation in resolving issues of particular interest to its members.

12. In view of the importance of international law, ASEAN supported, as one of the goals of the Decade, the codification of legal rules, regulations and principles in the search for viable solutions to the challenges facing an interdependent world. The members of ASEAN had participated and would continue to participate in the codification of international law and in seeking initiatives to strengthen the United Nations system for the maintenance of international peace and security.

13. ASEAN welcomed the arrangements made by the Secretary-General, pursuant to paragraph 18 of General Assembly resolution 51/160, to commemorate the fiftieth anniversary of the establishment of the International Law Commission through a colloquium on the progressive development and codification of international law, which could generate concrete and practical suggestions on ways of enhancing the effectiveness and relevance of international law. In that respect, it was grateful for the contributions made by States and institutions to the trust funds set up to defray the costs incurred by the colloquium.

14. As the end of the Decade drew near, it was timely and appropriate to include in the provisional agenda of the fifty-third session of the General Assembly, under the item "United Nations Decade of International Law", a sub-item entitled "Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", as was stipulated in paragraph 5 of the draft resolution submitted by the Netherlands and the Russian Federation. ASEAN fully supported the commemoration of the historic event, which would undeniably lead to the strengthening of the universal rule of law based on justice, equity and mutual benefit.

15. With regard to the work of promoting the teaching, study and dissemination of international law, ASEAN noted with satisfaction that the Office of Legal Affairs not only had promoted the dissemination of international law but also had made available worldwide, through various means, the United Nations Treaty Collection.

16. ASEAN, noting the proposal to impose an access fee on certain Internet users of the United Nations Treaty Collection in order to defray and recoup the high costs involved, suggested that any fee imposed should be reasonable, that special consideration should be given to users from developing countries and that the permanent missions of Member States should continue to be given on-line access at no charge.

17. ASEAN believed that the Decade had achieved the objectives of promoting the progressive development of international law, international cooperation and peace and security, and was in favour of continuing the programmes beyond the year 2000.

18. **Ms. Foo** (Singapore) said that, in view of the increasing importance of international law, Singapore appreciated the work that had been done during the period of the United Nations Decade of International Law which had already been completed. Activities of that type should continue to be supported beyond the end of the Decade. Singapore had tried to contribute to the process of making international law more accessible to a larger constituency. To that end, the Faculty of Law of the National University of Singapore had launched a journal of international law and the Singapore Society of International Law had made concerted efforts to propagate interest in that field.

19. In the current electronic society, the Internet was one of the best ways of promoting greater accessibility to international law, provided that the proposed user fees for the United Nations Treaty Collection were charged on an equitable basis so as not to discourage users.

20. The draft guiding principles for international negotiations (A/52/141), which had been proposed by Mongolia, merited serious consideration by the Sixth Committee and were of particular interest to small States. Those principles must be balanced, clear and certain. While good faith could not be legislated, the existence of clear rules might force the parties to act responsibly. The element of surprise could and should be minimized and cooperation could and should be facilitated. The principles would clearly need to be broad enough to encompass a wide variety of circumstances and it would not be easy to balance that need against the need for clarity and certainty. Singapore believed, however, that the guiding principles which would allow for the application of international law without the exercise of political influence and afford States, large and small alike, a level playing field, should include those principles that prohibited discrimination, coercion and reneging on previous agreements as well as those that encouraged the open and candid exchange of information and discouraged misinformation and the introduction of irrelevant considerations.

21. **Mrs. Mekhemar** (Egypt) said that, in its resolution 44/23 of 17 November 1989, the General Assembly had proclaimed the United Nations Decade of International Law for the purpose of encouraging the progressive development of international law. As the Decade drew to a close, that objective might be said to have been achieved, as evidenced by the surge in rule-making activity which it had produced.

22. The end of the Decade also coincided with the fiftieth anniversary of the establishment of the International Law Commission and Egypt wished to express its support for the colloquium to commemorate the anniversary, as called for in General Assembly resolution 51/160, in which numerous high-level experts from all regions of the world were due to participate.

23. Her delegation attached great importance to the Secretariat's efforts to establish a database for the United Nations Treaty Collection, to disseminate it through the

Internet (A/52/363, chap. V) and to adapt its own working methods to the new technology. While Egypt recognized the need to charge user fees in order to recover some of the cost of the database, it wished to make it clear that the electronic database and access to it through the Internet could not replace printed material and that the new system should not be implemented to the detriment of the less developed States, which were in a situation of numerical disadvantage in comparison with the developed States both in terms of the number of computers and the number of people trained in their use. In addition, since less bibliographical material was available in those States, the charging of user fees could constitute an obstacle to States with limited resources. The financial implications of the charging of such fees should therefore be considered by the Fifth Committee.

24. Despite the high cost involved, translation of the list of titles of treaties and their dissemination through the Internet (A/52/363, chap. VI) were also very important and necessary in order to ensure respect for the principle of equal and non-discriminatory treatment for all the official languages of the Organization.

25. The draft guiding principles for international negotiations, which had been presented by Mongolia, deserved careful consideration by the Working Group on the Decade, since they would establish a precedent for the codification of that type of rule.

26. Egypt was one of the sponsors of resolution 51/159 of 16 December 1996, on action to commemorate the centennial of the first International Peace Conference. The proposal submitted by the Russian Federation and the Netherlands was very important and Egypt looked forward to participating in the debates of the Working Group on the Decade.

27. **Ms. Wong** (New Zealand) said that new and interesting ideas had been proposed under the item on the United Nations Decade of International Law and she thanked the delegations of the Russian Federation and the Netherlands for offering to sponsor the activities to commemorate the first International Peace Conference, in which non-governmental organizations would actively participate.

28. Access to the United Nations Treaty Collection through the Internet was extremely important and reflected a trend towards the democratization of the law-making process in the United Nations. Since such a system could help to overcome the problem of the scarcity of libraries and printed material in the developing countries, very careful attention should be paid to the question of user fees.

29. New Zealand welcomed the useful draft guiding principles for international negotiations, which had been presented by Mongolia and which addressed the need for the creation of a level playing field for all States, large and small alike. The lack of enthusiasm shown by the bigger States was not surprising and she shared the view expressed by the delegation of Singapore that small States should carefully review the draft in the Working Group on the Decade. Several suggestions had been made on the best way of studying the draft principles. She did not think, however, that it would be appropriate to refer them to other bodies, where they would probably languish for years. It should not be a burdensome task for the Sixth Committee to agree on a few principles based on equity and decency.

The meeting rose at 11 a.m.

United Nations A/C.6/52/SR.10

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Sixth Committee

Summary record of the 10th meeting
Held at Headquarters, New York, on Friday, 17 October 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

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Agenda item 146: United Nations Decade of International Law *(continued)*

(a) United Nations Decade of International Law *(continued)*

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law *(continued)*

(c) Draft guiding principles for international negotiations *(continued)*

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97-82132 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 146: United Nations Decade of International Law *(continued)*

(a) United Nations Decade of International Law *(continued)* (A/52/363)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law *(continued)* (A/C.6/52/3 and A/C.6/52/L.2)

(c) Draft guiding principles for international negotiations *(continued)* (A/52/141)

1. **Mr. Kerma** (Algeria) noted with satisfaction the progress made in the early years of the United Nations Decade of International Law, especially the entry into operation of the United Nations Tribunal for the Law of the Sea, the adoption of the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency (A/52/17, annex I) and the holding of the United Nations Congress on Public International Law in 1995. In terms of future activities, he was looking forward with interest to the forthcoming Colloquium on the progressive development and codification of international law.

2. International law should be developed and applied in a universal manner; to that end, all existing legal systems must be represented, and the interests of as many States as possible must be taken into account. He therefore noted with satisfaction the regular Secretariat publications concerning the status of ratifications of and accessions to multilateral treaties, and viewed with interest the future creation of an audio-visual library that would make it possible to disseminate international law via modern means of communication.

3. The current international climate facilitated the systematic use of peaceful means of resolving international conflicts; it would be useful to examine the role of the International Court of Justice in that area.

4. The draft guiding principles for international negotiations (A/52/141), submitted by Mongolia, constituted an innovative item which deserved to be considered in greater depth by the Sixth Committee. He stressed that the promotion of and respect for international law should be viewed from the standpoint of reducing tensions and achieving world peace through respect for existing rules or the development of new ones in the framework of the purposes and principles of the Charter of the United Nations.

5. The proposal of the Netherlands and the Russian Federation concerning the action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (A/C.6/52/L.2) had so far enjoyed unanimous support; he, too, confirmed his support for it. Such action would have a positive impact on the progressive development of law in general and international law in particular; in order to ensure its success, broad participation by States should be encouraged.

6. **Mr. Kawamura** (Japan) stressed the importance of the Colloquium on the progressive development and codification of international law, the purpose of which would be to generate practical suggestions for enhancing the working capacity of the International Law Commission. His country had made a financial contribution in order to ensure the success of the Colloquium.

7. Recognizing the need to attain the goals of the Decade, his country had participated in various important international treaties and conventions, such as the United Nations Convention on the Law of the Sea, which it had ratified in 1996. His Government had also taken an active part in the negotiations on the establishment of an international criminal court and the elaboration of a framework convention on the law of the non-navigational uses of international watercourses. A symposium organized recently by the Japanese Association of International Law had been a great success.

8. With regard to dissemination of the United Nations Treaty Collection via the Internet, he concurred with conclusions (c) and (d) set out in paragraph 56 of document A/52/363. With regard to the translation of the list of titles of treaties (A/52/363, sect. VI), he was of the view that, while translation entailed an additional cost, an equivalent amount could be saved in another area; a concrete plan, indicating the additional cost of translation and the measures to be taken to offset it, should be presented.

9. He fully supported draft resolution A/C.6/52/L.2 and commended the Netherlands, the Russian Federation and the "Friends of 1999" for their efforts.

10. With regard to the draft guiding principles for international negotiations (A/52/141), submitted by Mongolia, he believed, first, that some of the principles, such as those mentioned in paragraph 1 (a) and (b) of annex II of the document, were already well documented in various international instruments and should not be restated, and,

secondly, that the obligations mentioned in paragraph 1 (k) and (l) were not established rules of international law and should be considered carefully and in depth.

11. **Mr. Kachurenko** (Ukraine) said that his delegation was looking forward to the activities of the fourth term of the United Nations Decade of International Law, especially since Ukraine, as a new European democracy, was concerned with the strengthening of the international legal order and the role of international law, especially treaties, in relations between States. His Government had just concluded very important political treaties with the Russian Federation and Romania and a border agreement with Belarus, the first of its kind between the newly independent States; it had also concluded about 170 bilateral agreements and become a party to several multilateral treaties.

12. His delegation supported the draft resolution submitted by the Russian Federation and the Netherlands (A/C.6/52/L.2), of which it would become a sponsor. In order to ensure the success of the activities envisaged therein, means should be devised which went beyond the commemorative format and promoted the purposes of the Decade, in particular through joint efforts to strengthen international peace and security, achieve full compliance with international law and facilitate its progressive development. To that end, the activities should not be limited to the consideration of humanitarian law, the laws and customs of war and the settlement of international disputes; analysis should cover a broad range of issues, such as the contemporary concept of self-determination and the forms it took in the context of the integration and disintegration of States, the creation of a special statute providing legally binding guarantees of international security for countries that abandoned nuclear weapons, the succession of States (including its military aspects), the regulation of sustainable development, a comprehensive approach to combating international terrorism and, in particular, the elaboration of the legal aspects of economic security, especially norms that would definitely restrict the use by States, in their international relations, of the threat or use of economic pressure that was contrary to international law with a view to achieving political advantages. For those purposes to be fully achieved, national and international associations, the national committees for the Decade, universities and other academic institutions should be more actively involved in the process.

13. Priority attention should be given to the publication and dissemination of information over the Internet. In that connection, he paid tribute to the work carried out in relation to the United Nations Treaty Collection.

14. His delegation was carefully studying the draft guiding principles for international negotiations submitted by Mongolia (A/52/141), and would offer its views on them in due course.

15. **Mr. Nakandala** (Sri Lanka) welcomed the note by the Secretary-General on the United Nations Decade of International Law (A/52/363). His Government had taken various steps to promote the acceptance of and respect for the principles of international law, the most recent of which had been the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights. It was important to emphasize the organic relationship between international law and the domestic law of States, since most of the fundamental elements of international law had been incorporated in the domestic law of many countries. Moreover, Sri Lanka had made noteworthy progress in promoting international law. With regard to formal education, the newly established Bandaranaike International Diplomatic Training Institute provided various courses, not only to members of Sri Lanka's diplomatic and consular services, but also to many other participants from the public and private sectors. Other higher-education institutions, such as the Bandaranaike Centre for International Studies, the University of Colombo and the Open University of Sri Lanka, had also been offering courses in international law for some time. Non-governmental organizations had also been active in promoting the principles of international law.

16. He welcomed the convening of an international colloquium to commemorate the fiftieth anniversary of the International Law Commission and the measure taken by the Office of Legal Affairs to create a comprehensive electronic database for United Nations treaties. In connection with that database, he noted that almost all the higher-education institutions in Sri Lanka were connected to the Internet. As for the proposal to set up a mechanism to collect access fees from database users, his delegation, like many others, believed that the universal application of such a mechanism would hinder the free flow of information, which would contradict the aim of the United Nations to promote the principles of international law. The problem could be solved by designating in each country a focal point where the facility would be free of charge; the focal point could be a university where international law was taught.

17. His delegation supported the draft guiding principles for international negotiations submitted by Mongolia (A/52/141), relating to agenda item 146 (c), and believed they should be carefully examined. With respect to agenda item 146 (b), entitled "Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of

International Law", he welcomed the programme of action submitted by the Russian Federation and the Netherlands, and noted with particular interest the events it was planned to hold in The Hague. Lastly, he noted with satisfaction the proposal to devote a section of the Organization's Internet web-site to the 1999 celebrations.

18. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that, despite progress made during the United Nations Decade of International Law, such as the setting up of a working group of the Sixth Committee to coordinate the activities of the Decade and the holding of the United Nations Congress on Public International Law and various symposia and seminars throughout the world, there had been an increasing tendency on the part of some countries to take unilateral coercive economic measures which contravened the purposes of the Decade and violated the norms and basic principles of international law. Such unilateral measures must continue to be opposed.

19. At the current juncture, the main question before the Sixth Committee was how to bring the United Nations Decade for International Law to a close. His delegation supported the proposal submitted by the Russian Federation and the Netherlands to celebrate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law.

20. Lastly, his delegation supported the proposal made by Paraguay, on behalf of the Rio Group, that the Secretariat should include an assessment of the fulfilment of the purposes of the Decade in its report to the General Assembly at its next session, and believed that the Sixth Committee, for its part, should draft a declaration on the results of the Decade to be adopted in 1999, at the closure of the Decade.

21. **Mr. Syargeeu** (Belarus) said that his delegation was pleased that a sub-site with material on various topics of international law had been added to the Organization's home page on the Internet. That would be of interest to Member States and would make it possible to reduce the costs of United Nations printed publications. However, he hoped that it would be possible to consult the documentation in all the working languages of the Organization. His delegation was also pleased that the Secretariat was setting up an audio-visual library on international law to which all Permanent Missions would have access free of charge. It agreed that user fees should be charged for access to the United Nations Treaty Collection on the Internet, provided that they were reasonable and took into account the situation of the developing countries and the countries with economies in transition, since both groups of countries were in process of adjusting their national legal systems to the norms of international law.

22. It would be very worthwhile to organize a colloquium on the progressive development of international law and its codification, since that would undoubtedly be a significant contribution in that sphere. As to the encouragement of the teaching, study, dissemination and wider appreciation of international law, his delegation welcomed the draft resolution submitted by the Russian Federation and the Netherlands on action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law and hoped that the document would produce concrete results. He had also heard that in Europe a project for the dissemination of information on the practice of States in the area of State succession had been undertaken; that was of great importance to Belarus, in view of the grave problems which had arisen in respect of State succession in the case of the former Soviet Union.

23. With regard to the implementation of the programme for the Decade, Belarus had supported the establishment of an international criminal court and had signed the Convention on the Safety of United Nations and Associated Personnel, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and intended to accede to other international instruments in the future. Lastly, there were many institutions in Belarus concerned with the teaching, study and dissemination of international law and progress was being made in that sphere.

24. **Mr. Filippi Balestra** (San Marino) said that he supported the basic principles set forth in the draft resolution submitted by Mongolia concerning guiding principles for international negotiations. In addition, he supported the draft resolution submitted by the Russian Federation and the Netherlands and, although he was satisfied with the current version of the text, he would not object to it being amended, as long as there was support from a majority of members of the Committee.

25. **Mr. Oussoupov** (Kyrgyzstan) said that the end of the cold war had made way for new relations of partnership instead of the old confrontation between blocs. In those relations, the threat or use of force were rejected and the importance of negotiations and of the solution of conflicts by peaceful means was stressed. In that connection, his delegation welcomed Mongolia's proposal to draw up guiding principles to help conduct more effective international negotiations and ensure more equitable

participation on the basis of international law. It supported the idea of drawing up a code of conduct among States which would promote the establishment of an atmosphere of trust in negotiations. If negotiations were to be successful, however, there must be the political will to respect its provisions.

26. His delegation supported the draft resolution submitted by the Netherlands and the Russian Federation on the celebration of the centennial of the first International Peace Conference.

27. His Government had great interest in accessing the Internet to obtain the texts of agreements and treaties and in that respect would consider the financial repercussions for the least developed countries.

28. **Mr. Patriota** (Brazil) said that he welcomed the proposal made by Mongolia in document A/52/141, which contained an explanatory memorandum and a draft resolution proposing a set of guiding principles for international negotiations. That proposal addressed a subject which the Committee should consider within the framework of its deliberations on the United Nations Decade of International Law. Mongolia's proposal showed a willingness to enter into dialogue and a spirit of realism and flexibility. The idea of the end of the cold war should be translated into concrete expressions such as the one being proposed, given the sometimes contradictory signals that still loomed in the contemporary landscape.

29. His delegation was interested in using the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as a forum for assisting delegations in tackling legal and political problems arising from the confrontation of Charter provisions with the contemporary scenario, which it regarded as a transitional phase which would soon be entering its second decade.

30. His delegation saw merit in adopting a set of principles for international negotiations, based fundamentally on the Charter and current United Nations practice, as a way to help consolidate an atmosphere inimical to the threat or use of force, to discriminatory attitudes and to arbitrary unilateral acts through the affirmation of multilateralism.

31. **Ms. Arystanbekova** (Kazakhstan) said that particular support should be given to United Nations activities involving promotion of the acceptance of and respect for the principles of international law and encouragement of its progressive development and codification. The rapid development of international cooperation within the framework of United Nations conventions, many of which had become universal in scope, could serve as an indicator of the efficiency of such activity.

32. As to the need to continue work on the codification and progressive development of international law, she wished to stress the research work carried out within the International Law Commission, which was not only of theoretical value but also of considerable practical significance and made it possible to elaborate international legal standards in areas of particular interest, including succession of States, which was of particular concern to countries like Kazakhstan. Her delegation was gratified that the consideration of international liability for injurious consequences arising out of acts not prohibited by international law was continuing and that the relevant specialized agencies of the United Nations were analysing various aspects of contract law, environmental law, etc.

33. One of the necessary conditions for strengthening the role and importance of international law was a broad exchange of opinions on major problems in the international law-making process and definition of new approaches that reflected the development of international relations. Kazakhstan also supported the initiative of the Russian Federation and the Netherlands to convene the third International Peace Conference in 1999. In its view, the agenda of the conference could include the consideration of the results of international cooperation on implementation of the goals of the Decade.

34. Her delegation noted with regret that delegates from newly independent States, which were particularly interested in acquiring experience in international law-making, were still unable to participate in those activities because the United Nations lacked the financial resources to provide the necessary assistance.

35. The effectiveness of international cooperation depended on the desire of each State to conduct its internal and foreign policies in accordance with principles and norms of international law. For that reason, all the laws enacted in Kazakhstan had been submitted to international experts in relevant organizations. Constitutionally, the norms of international law superseded the norms of national legislation, and that had been reflected in the Criminal and Civil Codes. His Government had also acceded to many multilateral treaties on the environment, disarmament, international humanitarian law, international trade and the struggle against terrorism, or had expressed its intention to accept their provisions.

36. The desire to dispose of certain problems in inter-State relations could be seen in Kazakhstan's efforts to bring about a rapid settlement of the question of the legal status of the

Caspian Sea. Its position on the matter was based on the application of specific provisions of the 1982 United Nations Convention on the Law of the Sea. Kazakhstan advocated the resolution of the issue on the basis of consensus, respect for the sovereign rights of States, and adherence to the principles of international law.

37. In that spirit it would continue working actively for achievement of the goals of the United Nations Decade of International Law.

38. **Mr. Rodríguez Parrilla** (Cuba) said that the item called for reflection on the international community's attitude and real contribution to the observance and application of international law as a whole. The legitimacy and relevance of the recognized principles and norms of international law was unchallenged. Nevertheless, some States and Governments that advocated the primacy of international law and international relations had unilaterally reinterpreted international law, pretending to be unaware of the fact that the world, although interdependent, was still as a whole marked by diversity, both in political thinking and in legal doctrine. Some States continued preaching the miracle of globalization at the end of the cold war, when in reality developments showed that it was conflicts and inequalities that were being globalized, even as the threat and silent use of political and economic coercion intensified.

39. Cuba therefore denounced such selective interpretations of international law to reflect political and hegemonic interests, just as it did the shameful continuation of the blockade that constituted a flagrant violation of international law. The Helms-Burton Act, as well, was one of the more recent violations of customary international law, in that it sought to step up the aggression and the blockade that had been declared against Cuba almost 40 years earlier, by imposing an extra-territorial application of the law in respect of other sovereign States.

40. It was a source of concern that not many developing countries were involved in the international negotiations on the drafting of international legal instruments aimed at combating the latest international dangers and threats. On the other hand, compounding that shortcoming, there were the novel theories on the law of treaties, among them those that had come to associate the traditional universality clause with the very small number of States parties required for the entry into force of the new international trea . Under the circumstances, it would be difficult to speak of universality or democracy in the progressive promotion and development of international law. Accordingly, Cuba recognized the merit of Mongolia's proposal and favoured its substantive consideration in the Committee.

41. His delegation wished to express its support and appreciation to New Zealand and the other delegations that had sought to keep the item under consideration on the agenda. It also expressed support for the Governments that were advocating a special celebration of the closing of the Decade and the centennial of the first International Peace Conference, in particular the Netherlands and the Russian Federation.

42. **Mr. Hamdan** (Lebanon) welcomed the note by the Secretary-General on the United Nations Decade of International Law (A/52/363). In that connection, he supported the holding of a colloquium to commemorate the fiftieth anniversary of the establishment of the International Law Commission. He underscored the importance of paragraph 9 of that document stating that the proceedings of the colloquium would be published, which would ideally be a prelude to the operation of the audio-visual library that the United Nations was in the process of setting up under the aegis of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. He proposed that the Sixth Committee should recommend to the General Assembly the establishment of national international law commissions to study the issues on the agenda of the International Law Commission and assist it in its research.

43. As to the development of international law, his delegation took note of the proposed activities for the next two years to be undertaken by the Advisory Committee, and reiterated its support for the establishment of an audio-visual library of international law and for the Secretariat proposal that a legal colloquium should be held in The Hague each of the next two years in French and English successively, which would make it possible for more countries to attend the colloquium and benefit from it, and would ensure a broader representation of all the legal systems of the world. It expressed its appreciation to the States that had helped to finance the colloquiums and the programmes for the teaching of international law, especially the British Government for the funds it had given for scholarships for the study of maritime law. Lebanon welcomed the speedy application and utilization of the Internet to disseminate international law.

44. His delegation thanked Mongolia for the submission of the draft guiding principles for international negotiations (A/52/141), which were valuable because they highlighted and brought together a set of known principles.

45. He took note with interest of the draft resolution submitted by the Netherlands and the Russian Federation concerning action to be taken dedicated to the 1999

centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (A/C.6/52/L.2), as well as the programme of action for the celebration of that centennial (A/C.6/52/3). Note should be taken of paragraph 17 of the latter, referring to the General Assembly's appeal to the developed States to make voluntary contributions to finance the participation of representatives of the developing States. He supported the establishment of the "Friends of 1999" platform and believed that Western Asia should be represented, in order to bring the viewpoints of that region to the preparations for the centennial. He therefore supported the appeal made by the Islamic Republic of Iran and the Movement of Non-Aligned Countries.

46. **Mr. Enkhsaikhan** (Mongolia) said that he appreciated the support of delegations for the draft guiding principles for international negotiations. The reservations expressed by some delegations in the working group were normal at that early stage and showed that specific questions required closer study, such as the third-party settlement of disputes, the importance of the peaceful settlement of disputes, the notion of inadmissible preconditions and the like. He explained that in drafting the guiding principles no attempt was made to establish a hierarchy among them, for that had already been done by the Charter of the United Nations and the Manila Declaration on the Peaceful Settlement of International Disputes. It should be recalled that, in any case, the free choice by States of peaceful means for settling their disputes should prevail. It was necessary to systematize the guiding principles and render them more effective, and he was prepared to work with other delegations in doing so.

47. **Ms. Willson** (United States of America) expressed disappointment at the statement of the Cuban delegation, which she accused of demeaning the debate by politicizing it. She totally rejected the accusations of the Cuban delegation which were baseless and politically motivated and should be considered not by the Sixth Committee but by other bodies of the General Assembly in which they had already been raised.

48. **Ms. Cueto** (Cuba) said that Cuba's position in the Sixth Committee and in the General Assembly had always been a constructive and consistent one. The embargo imposed by the United States of America against Cuba was a flagrant violation of international law which Cuba had a right to denounce in all forums, including the Sixth Committee, in which the principles of international law were discussed.

49. **Mr. Lavoyer** (Observer for the International Committee of the Red Cross), speaking at the invitation of the Chairman, said that the International Committee of the Red Cross (ICRC) had consistently lent its support to the programme of activities for the United Nations Decade of International Law, whose main objectives were closely associated with its own efforts to clarify, develop and promote respect for international humanitarian law. There was need for further clarification of the rules applicable to situations that were insufficiently or not at all covered by treaty law. In that connection, the twenty-sixth International Conference of the Red Cross and Red Crescent had entrusted to the International Committee the task of preparing, with the assistance of experts representing the different regions and legal systems, a report on customary rules of humanitarian law, which was now well under way. The research being undertaken into national sources in some 50 States, into international sources for all aspects of humanitarian law covered by the report, and into the archives of the International Committee on approximately 50 recent armed conflicts was expected to be completed by the end of the current year. In 1998, a first assessment of the practices found would be made. The International Committee would then draft the final report, which would be presented to the international community in 1999 at the twenty-seventh International Conference of the Red Cross and Red Crescent.

50. As far as the development of humanitarian law was concerned, the adoption in Oslo by some 90 States of a new convention which comprehensively prohibited anti-personnel landmines was an extraordinary breakthrough in terms of the substance of the convention and the process which had created it. Never before had a weapon in such widespread use by armed forces throughout the world been totally banned as a result of the unacceptable human costs of their use. The new Convention, which would be opened for signature in Ottawa on 3 December 1997, was the product of a unique process of cooperation between States, civil society and international organizations. The work of the International Campaign to Ban Landmines and the activities of the Red Cross and Red Crescent Movement had ensured that the process benefited from the input of civil society.

51. The International Committee actively supported the work being done by the United Nations Commission on Human Rights with a view to adopting an optional protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflicts. The optional protocol should apply to both government and non-government forces and to international and non-international armed conflicts alike. It should set the minimum age for recruitment, whether voluntary or compulsory, at 18 years

and prohibit any direct or indirect participation in hostilities by children under that age.

52. The major challenge facing humanitarian law was its implementation. To that end, the Government of Switzerland had convened in Geneva from 19 to 23 January 1998 the first periodic meeting of States Parties to the Geneva Conventions to discuss the security of humanitarian personnel and respect for humanitarian law in conflicts in which State structures had broken down. The International Committee had prepared two background papers outlining the problems and proposing some solutions. It hoped that States would take an active part in the meeting and engage in a fruitful discussion of the documents. The International Committee also continued to support fully the efforts being made to ensure the early establishment of an independent and effective permanent international criminal court with jurisdiction over war crimes, crimes against humanity and genocide. With regard to war crimes, the International Committee had contributed to the work of the Preparatory Committee by submitting a list of war crimes which it considered should fall under the court's jurisdiction. The court should also have jurisdiction over war crimes committed during non-international armed conflicts. During the previous year, the advisory service on international humanitarian law of the International Committee had continued to provide advice to States on how best to adapt their national legislation to humanitarian law. The advisory service was comprised of legal experts based in Geneva and in various ICRC delegations around the world, supported by a network of national experts. In the first two years of its existence, the advisory service had reached well over 50 countries. During the first 10 months of 1997, 17 national and regional seminars had been held around the world. A meeting of experts held a few weeks previously had discussed the violations of humanitarian law in national criminal law. A similar meeting for common-law States would be held in 1998.

53. In the current situations of tension and conflict, it was essential to remind those bearing weapons of the prohibition against resorting to indiscriminate violence. The primary aim of dissemination was to avert and reduce violations of humanitarian law; the second aim was to secure access to victims. The International Committee was currently developing a model manual for use by armed forces, which would serve as a reference tool for military commanders to incorporate the norms of humanitarian law into the operational decision-making process. In view of the multiplicity of forces deployed to restore internal law and order, the International Committee had expanded its dissemination activities to cover security and police forces and had produced a manual on human rights and humanitarian law for use by such forces. In order to enhance the effectiveness of its dissemination activities, the International Committee took into account the importance of local cultural values and of the use of national human resources. It therefore tended more and more to encourage the dissemination of the programmes of the National Red Cross and Red Crescent Societies.

54. During the previous year, the International Committee had increased its cooperation with international organizations in the field of humanitarian law. It had established closer ties with the United Nations, especially in the area of the teaching of humanitarian law, and with the Inter-Parliamentary Union. It also welcomed the regular dialogue which it had with regional organizations, such as the Organization of African Unity, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe.

55. The closing of the United Nations Decade of International Law in 1999 would coincide not only with the centennial of the first International Peace Conference, held at The Hague, but also with the fiftieth anniversary of the Geneva Conventions of 1949. It was thus particularly fitting that at the end of the millennium the international community should take stock of the contributions of both events to the development and codification of humanitarian law with a view to carrying those achievements over into the next century. The twenty-seventh International Conference of the Red Cross and Red Crescent would also take place in 1999. That distinct but complementary event should provide another opportunity for a constructive dialogue aimed at improving respect for humanitarian law and promoting humanitarian action.

56. In conclusion, the International Committee hoped that its efforts to clarify, develop and strengthen the implementation of humanitarian law would make a useful contribution to the achievement of the goals of the United Nations Decade of International Law.

57. The Chairman said that the Sixth Committee had thus concluded its consideration of agenda item 146.

The meeting rose at 12.05 p.m.